



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 6 2005

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail# 7003 1680 0004 9923 1230

In Reply Refer To:

01R-05-R4

[REDACTED]

Re: Rejection of Administrative Complaint

Dear [REDACTED]

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting your February 8, 2005, administrative complaint. Your complaint alleged that the Mobile District of the U S Army Corps of Engineers (Corps) and the Alabama Department of Environmental Management (ADEM) violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and EPA's regulations implementing Title VI at 40 C.F.R. Part 7. The complaint alleged that the Corps and ADEM failed to inform or include the citizens of the mostly African-American Ashurst Bar/Smith Community in early discussions related to the permit application submitted by the Tallassee Waste Disposal Center, Inc. for wetland fill to expand its existing landfill in Tallapoosa County, Alabama. Your complaint also alleged that approval of the permit would result in the destruction of natural resources contamination of surface and well water, traffic problems, an increase in odors and rodent- and insect-borne diseases, elevated methane gas levels, disruption of church services, and limitation of land use in the Ashurst Bar/Smith Community.

OCR is rejecting this complaint after being informed by Ms. Lynn Garthright of ADEM of a request by the Tallassee Waste Disposal Center, Inc. to withdraw their permit application. Specifically, Mr. James McAfee of ADEM's Mining & Nonpoint Source Section received a letter on April 13, 2005, from the Tallassee Waste Disposal Center

withdrawing its permit applications from both the Corps and ADEM. The withdrawal of the permit application from consideration renders the allegations in this complaint moot.

Regarding the availability of fire and emergency services in Tallapoosa County, the following local agencies should be able to address your concerns: (1) Mr. Kenneth Thompson, Fire Chief, Dadeville Volunteer Fire Department, Dadeville, Alabama at (256) 825-8534; (2) Mr. David Bruce, Hospital Administrator, Lake Martin Community Hospital, 201 Mariarden Road, Dadeville, Alabama at (256) 825-7821; or (3) Chamber of Commerce in Dadeville, Alabama at (256) 825-4019. Dadeville County holds the county seat for Tallapoosa County.

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, it may be necessary to release this information, any related correspondence and records upon request. Should we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions regarding this letter, please contact Ms. Karen Randolph of the OCR External Compliance Program by telephone at (202) 343-9679, via electronic mail at Randolph.karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: Onis Glenn III, Director
Alabama Department of Environmental Management

Colonel Peter F. Taylor, Jr.,
U.S. Army Corps of Engineers, Mobile District

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Nancy Tommelleo, Title VI Coordinator
EPA Region 4